

**TECHNICAL AMENDMENT**  
**May 15, 2018**

**401 KAR 5:010. Operation of wastewater systems by certified operators.**

RELATES TO: KRS 224.10-100, 224.10-110, 224.70-100, 224.70-110[, ~~EO 2008-507, 2008-531~~]

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Cabinet to develop and conduct a comprehensive program for the management of water resources and to provide for the prevention, abatement, and control of water pollution. KRS 224.73-110 requires that a person shall not have primary responsibility for the operation of a sewage system or a portion of a system, whether publicly or privately owned, unless the operator has passed an examination prescribed by the cabinet. [~~EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet.~~] This administrative regulation requires wastewater treatment plants and collection systems that accept domestic sewage to be under the primary responsibility of an appropriately certified operator.

Section 1. Certified Operators for Wastewater Treatment Plants. A wastewater treatment plant that accepts wastewater containing domestic sewage shall be under the primary responsibility of a certified operator as follows:

(1) A treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate;

(2) A treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV treatment certificate;

(3) A treatment plant with a design capacity of more than two (2) million gallons per day, but less than or equal to seven and one-half (7 1/2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class III or IV treatment certificate;

(4) A treatment plant with a design capacity in excess of seven and one-half (7 1/2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class IV treatment certificate; or

(5) A wastewater treatment plant at a school shall be under the primary responsibility of a certified operator holding an active limited certificate or a Class I, II, III, or IV treatment certificate.

Section 2. Certified Operators for Collection Systems. Effective January 1, 2010, each collection system transporting wastewater containing domestic sewage shall be under the primary responsibility of a certified operator as follows:

(1) Collection systems with greater than 5,000 linear feet of sewer line that transport wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV collection certificate;

(2) Collection systems that transport wastewater to a treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV collection certificate;

(3) Collection systems that transport wastewater to a treatment plant with a design capacity of

more than two (2) million gallons per day, but less than or equal to seven and one-half (7 ½) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class III or IV collection certificate;

(4) Collection systems that transport wastewater to a treatment plant with a design capacity in excess of seven and one-half (7 ½) million gallons per day shall be under the primary responsibility of a certified operator holding an active IV collection certificate;

(5) A wastewater collection system at a school shall be under the primary responsibility of an operator holding an active:

- (a) Class I, II, III, or IV collection certificate;
- (b) Class I, II, III, or IV treatment certificate; or
- (c) Limited certificate;

(6) Collection systems with not more than 5,000 linear feet of sewer line that transport wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day, shall be operated under the primary responsibility of a certified operator with an active:

- (a) Class I, II, III, or IV collection certificate; or
- (b) Class I, II, III, or IV treatment certificate; or

(7) Collection systems that transport wastewater containing domestic sewage to a treatment plant owned by another person shall use population-served for determination of the appropriate collection system certificate.

(a) Collection systems with greater than 5,000 linear feet of sewer line and with a population served of 1,500 individuals or less shall be operated by a certified operator holding an active Class I, II, III, or IV collection certificate.

(b) Collection systems with a population served of 1,501 to 15,000 individuals shall be operated by a certified operator holding an active Class II, III, or IV collection certificate.

(c) Collection systems with a population served of 15,001 to 50,000 individuals shall be operated by a certified operator holding an active Class III or IV collection certificate.

(d) Collection systems with a population served of 50,001 individuals or greater shall be operated by a certified operator holding an active Class IV collection certificate.

(e) Collection systems with not more than 5,000 linear feet of sewer line that serve a population of not more than 1,500, shall be operated under the primary responsibility of a certified operator with an active:

- 1. Class I, II, III, or IV collection certificate; or
- 2. Class I, II, III, or IV treatment certificate.

Section 3. Certified Operator Availability. (1) The facility shall ensure that a certified operator with primary responsibility shall be able to be contacted by phone within thirty (30) minutes.

(2) The facility shall ensure that a certified operator with primary responsibility shall be capable of being onsite:

(a) Within two (2) hours if the certified operator with primary responsibility is required to have a Class I or Limited certificate; or

(b) Within one (1) hour if the certified operator with primary responsibility is required to have a Class II, III, or IV certificate.

Section 4. Certificate Display. If a system office is available at the wastewater treatment plant or within the sewer service area, the operator's certificate shall be prominently displayed on the wall. (6 Ky.R. 329; 560; eff. 5-7-1980; 11 Ky.R. 1128; eff. 4-9-85; 14 Ky.R. 1289; eff. 2-8-1988; 15 Ky.R. 285; 1007; eff. 10-26-1988; 16 Ky.R. 603; 1193; eff. 1-9-1990; 19 Ky.R. 415; 717; eff. 8-27-1992; 35 Ky.R. 354; 1205; eff. 3-6-2009; Crt eff. 5-11-2018; TAm eff. 5-15-2018.)